

§ 49.1

49.10930 Federally-promulgated regulations and Federal implementation plans.
49.10931–49.10950 [Reserved]

IMPLEMENTATION PLAN FOR THE SWINOMISH INDIANS OF THE SWINOMISH RESERVATION, WASHINGTON

49.10951 Identification of plan.
49.10952 Approval status.
49.10953 Legal authority. [Reserved]
49.10954 Source surveillance. [Reserved]
49.10955 Classification of regions for episode plans.
49.10956 Contents of implementation plan.
49.10957 EPA-approved Tribal rules and plans.
49.10958 Permits to construct.
49.10959 Permits to operate.
49.10960 Federally-promulgated regulations and Federal implementation plans.
49.10961–49.10980 [Reserved]

IMPLEMENTATION PLAN FOR THE TULALIP TRIBES OF THE TULALIP RESERVATION, WASHINGTON

49.10981 Identification of plan.
49.10982 Approval status.
49.10983 Legal authority. [Reserved]
49.10984 Source surveillance. [Reserved]
49.10985 Classification of regions for episode plans.
49.10986 Contents of implementation plan.
49.10987 EPA-approved Tribal rules and plans. [Reserved]
49.10988 Permits to construct.
49.10989 Permits to operate.
49.10990 Federally-promulgated regulations and Federal implementation plans.
49.10991–49.11010 [Reserved]

IMPLEMENTATION PLAN FOR THE CONFEDERATED TRIBES OF THE UMATILLA RESERVATION, OREGON

49.11011 Identification of plan.
49.11012 Approval status.
49.11013 Legal authority. [Reserved]
49.11014 Source surveillance. [Reserved]
49.11015 Classification of regions for episode plans.
49.11016 Contents of implementation plan.
49.11017 EPA-approved Tribal rules and plans. [Reserved]
49.11018 Permits to construct.
49.11019 Permits to operate.
49.11020 Federally-promulgated regulations and Federal implementation plans.
49.11021 Permits for general open burning, agricultural burning, and forestry and silvicultural burning.
49.11022–49.11040 [Reserved]

IMPLEMENTATION PLAN FOR THE UPPER SKAGIT INDIAN TRIBE OF WASHINGTON

49.11041 Identification of plan.
49.11042 Approval status.
49.11043 Legal authority. [Reserved]

40 CFR Ch. I (7–1–15 Edition)

49.11044 Source surveillance. [Reserved]
49.11045 Classification of regions for episode plans.
49.11046 Contents of implementation plan.
49.11047 EPA-approved Tribal rules and plans. [Reserved]
49.11048 Permits to construct.
49.11049 Permits to operate.
49.11050 Federally-promulgated regulations and Federal implementation plans.
49.11051–49.11070 [Reserved]

IMPLEMENTATION PLAN FOR THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

49.11071 Identification of plan.
49.11072 Approval status.
49.11073 Legal authority. [Reserved]
49.11074 Source surveillance. [Reserved]
49.11075 Classification of regions for episode plans.
49.11076 Contents of implementation plan.
49.11077 EPA-approved Tribal rules and plans. [Reserved]
49.11078 Permits to construct.
49.11079 Permits to operate.
49.11080 Federally-promulgated regulations and Federal implementation plans.
49.11081–49.11100 [Reserved]

IMPLEMENTATION PLAN FOR THE CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION, WASHINGTON

49.11101 Identification of plan.
49.11102 Approval status.
49.11103 Legal authority. [Reserved]
49.11104 Source surveillance. [Reserved]
49.11105 Classification of regions for episode plans.
49.11106 Contents of implementation plan.
49.11107 EPA-approved Tribal rules and plans. [Reserved]
49.11108 Permits to construct.
49.11109 Permits to operate.
49.11110 Federally-promulgated regulations and Federal implementation plans.
49.11111–49.17810 [Reserved]

APPENDIX TO SUBPART M—ALPHABETICAL LISTING OF TRIBES AND CORRESPONDING SECTIONS

AUTHORITY: 42 U.S.C. 7401, *et seq.*

SOURCE: 63 FR 7271, Feb. 12, 1998, unless otherwise noted.

Subpart A—Tribal Authority

§ 49.1 Program overview.

(a) The regulations in this part identify those provisions of the Clean Air Act (Act) for which Indian tribes are or may be treated in the same manner as States. In general, these regulations authorize eligible tribes to have the

Environmental Protection Agency

§ 49.4

same rights and responsibilities as States under the Clean Air Act and authorize EPA approval of tribal air quality programs meeting the applicable minimum requirements of the Act.

(b) Nothing in this part shall prevent an Indian tribe from establishing additional or more stringent air quality protection requirements not inconsistent with the Act.

§ 49.2 Definitions.

(a) *Clean Air Act* or *Act* means those statutory provisions in the United States Code at 42 U.S.C. 7401, *et seq.*

(b) *Federal Indian Reservation*, *Indian Reservation* or *Reservation* means all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

(c) *Indian tribe* or *tribe* means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) *Indian Tribe Consortium* or *Tribal Consortium* means a group of two or more Indian tribes.

(e) *State* means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa and includes the Commonwealth of the Northern Mariana Islands.

§ 49.3 General Tribal Clean Air Act authority.

Tribes meeting the eligibility criteria of § 49.6 shall be treated in the same manner as States with respect to all provisions of the Clean Air Act and implementing regulations, except for those provisions identified in § 49.4 and the regulations that implement those provisions.

§ 49.4 Clean Air Act provisions for which it is not appropriate to treat tribes in the same manner as States.

Tribes will not be treated as States with respect to the following provisions

of the Clean Air Act and any implementing regulations thereunder:

(a) Specific plan submittal and implementation deadlines for NAAQS-related requirements, including but not limited to such deadlines in sections 110(a)(1), 172(a)(2), 182, 187, 189, and 191 of the Act.

(b) The specific deadlines associated with the review and revision of implementation plans related to major fuel burning sources in section 124 of the Act.

(c) The mandatory imposition of sanctions under section 179 of the Act because of a failure to submit an implementation plan or required plan element by a specific deadline, or the submittal of an incomplete or disapproved plan or element.

(d) The provisions of section 110(c)(1) of the Act.

(e) Specific visibility implementation plan submittal deadlines established under section 169A of the Act.

(f) Specific implementation plan submittal deadlines related to interstate commissions under sections 169B(e)(2), 184(b)(1) and (c)(5) of the Act. For eligible tribes participating as members of such commissions, the Administrator shall establish those submittal deadlines that are determined to be practicable or, as with other non-participating tribes in an affected transport region, provide for Federal implementation of necessary measures.

(g) Any provisions of the Act requiring as a condition of program approval the demonstration of criminal enforcement authority or any provisions of the Act providing for the delegation of such criminal enforcement authority. Tribes seeking approval of a Clean Air Act program requiring such demonstration may receive program approval if they meet the requirements of § 49.8.

(h) The specific deadline for the submittal of operating permit programs in section 502(d)(1) of the Act.

(i) The mandatory imposition of sanctions under section 502(d)(2)(B) because of failure to submit an operating permit program or EPA disapproval of an operating permit program submittal in whole or part.